

## **MINUTES OF THE BOARD OF SELECTMEN'S MEETING**

**APRIL 1, 2010**

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The regular meeting of the Board of Selectmen was called to order at 7:00 pm in the Community Room of the North Haven Memorial Library, 17 Elm Street, North Haven, CT.

### **Members Present**

First Selectman, Michael J. Freda  
Second Selectman, Timothy M. Doheny  
Third Selectman, Stephen A. Fontana

Mr. Freda thanked the public for attending and advised there will be several presentations for the benefit of the residents. Mr. Freda also requested that the public attending the meeting use consideration and decorum and conduct themselves in a professional fashion with constructive dialogue. Mr. Freda then asked if there were public comments relative to the agenda.

Ms. Joan Morgan, 34 Maple Avenue, North Haven, noted that agenda item number 11 indicated the appointment of Mr. Ryan Cleckner to the Board of Ethics. She questioned whether the appointment was to occupy his own seat or if he would be replacing hers.

Mr. Doheny stated that Ms. Morgan knew the answer since they had previously discussed it, but there would be an opportunity to discuss it further during public comments. Ms. Morgan asked if she would have the opportunity to address the Board. Mr. Freda then permitted Ms. Morgan to address the Board. She stated that she felt there was no ambiguity in the North Haven Code of Ethics regarding the term "official". After consulting legal counsel, it was their opinion that the term was intended to only refer to officials of the Town. Their interpretation was that state elected officials, of which she considers herself, would not be accountable to the Town and therefore not subject to the Town's Board of Ethics and would pose no conflict of interest. Ms. Morgan went on to read several sections from the Code of Ethics, as well as the Town Charter.

Mrs. Veronica Kivela, 70 Drazen Drive, North Haven, asked if her understanding was correct that the reason Ms. Morgan was being removed from the Board of Ethics was because she is a Justice of the Peace. She was curious to know the sequence of events that prompted the action.

Mr. Freda stated that he would elaborate during the course of the meeting in greater detail.

Mrs. Kivela asked that it take place prior to the vote. Mr. Freda stated that they are going to take the advice of the Town Attorneys regarding the definition of the term “official” and Ms. Morgan’s appointment.

Mrs. Kivela asked how this transpired since she didn’t even know that her friend of many years was a Justice of the Peace. Mr. Freda explained that Ms. Morgan did include on her resume that she was a Justice of the Peace, but after her appointment, a phone call was received by an individual who had applied for the Ethics Board, but was ineligible because they held an appointment on another board. At that time, the Code was reviewed and the attorneys consulted, both attorneys determined that as a Justice of the Peace, Ms. Morgan was unable to hold the position on the Board of Ethics. Mr. Freda assured Mrs. Kivela that this had nothing to do with politics at all, and that the person who brought it to his attention is an unaffiliated voter, and it was an oversight of the Board, since Ms. Morgan did include her Justice of the Peace status on her resume.

Mr. Sherman Katz, 40 Sherwood Drive, North Haven asked if the public would be able to ask questions of the UI representatives. Mr. Freda responded affirmatively, and noted that they would like to allow questions after each of the evening’s presentations.

Mr. Doheny made a motion to approve the minutes of the Regular Selectmen’s Meeting of March 4, 2010.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Mr. Doheny made a motion to approve the minutes of the Special Meeting of the Board of Selectmen of March 10, 2010.

Voted: Freda – yes, Doheny – yes, Fontana – yes

Mr. Freda discussed the importance of the public’s participation in completing the 2010 Census. He then introduced Mr. Dave Martin from the US Census Bureau. Mr. Martin explained the two important reasons that the census should be completed. One is representation in Congress. Based on the last census Connecticut’s representation in Congress decreased from 5 to 4. He went on to say that currently the responses are only at 52 percent and he encouraged everyone to get their forms completed and be counted. The second reason is that the Federal Government distributes monies to US non profit organizations, based on population. If we don’t get counted, we don’t get as much money. He encouraged everyone to get counted including children which will result in better funding for highways, hospitals, schools, and non profit organizations.

Mrs. Kivela asked if she was only legally obligated to answer the question of how many people live in the residence. Mr. Martin responded that they want as much information as possible and could not answer legally. He also noted that all information is confidential and private.

Mr. Freda stated that as it relates to North Haven, several years ago North Haven lost out on almost \$200,000 worth of funding because we had a very low participation with the Census. Therefore, it is important from a representation standpoint that North Haven have a high percentage of filling out the Census accurately, not only for state representation, but locally for the Town.

Mr. Freda stated that the next presentation was intended to inform residents of what is happening across our highways and the Merritt Parkway in terms of the conversions of the rest stops. Mr. Freda then introduced Mr. Paul Landino of Project Service, LLC, located at 75 Washington Avenue. He explained that their company has successfully won the bid to manage and redevelop all the highway stops on Route 15 and I95 over the next 5 years. He introduced his colleagues, Mr. Michael Modene, Director of Operations, Bob Landino, President of Centerplan, and Director of Marketing, Carrie Wood, and two other individuals from the Department of Transportation. Mr. Landino explained that Project Service is owned in a joint venture owned by Subway and Carlise Group. He noted that the renovations would not require any Town money but rather be funded privately with over \$178 million dollars for all 23 locations. He then continued to discuss the renovation plans for the rest stops in greater detail.

Bob Landino, of Centerplan also discussed the plans for the North Haven stop on Route 15 to include Subway, Dunkin Donuts, additional retail and moving of the gas pumps for safety reasons.

Following the Centerplan presentation, Mr. Freda then explained that he has had several discussions with the UI company representatives in an effort to reduce our energy costs and also discovered that there are programs also available for residents. He then introduced Mr. Tony Marone, Vice President of UI. Mr. Marone explained that there were several UI representatives available at the meeting with information and also could discuss specific questions. Mr. Marone then proceeded to present a good deal of information about the UI, their services, the demographics of their service area, employees, and how power is distributed. Mr. Marone explained they (UI) no longer are responsible for the generation of power, but just the distribution. He then explained that included in everyone's UI bill is a fee for social costs that represent programs available to the customers to try to lower their costs and energy bills. He encouraged everyone to take advantage of the programs.

Several residents asked a variety of questions that Mr. Marone proceeded to answer. Mr. Marone concluded his presentation and reminded attendees that they may utilize the services of the UI personnel in the lobby to answer any questions specific to their UI bills and services.

### **Selectman's Overview**

Mr. Freda then presented his Selectman's Overview.

#### Operational Update:

- Fiscal Year ending June 30<sup>th</sup>, at present projected surplus of \$46,000.
- Over the last week we incurred crisis situations caused by flooding and rainstorms. We received hundreds of phone calls. We pumped basements, installed catch basins, etc. Muddy River continues to be a problem and we are working to try to find a solution to control the situation.
- We also experienced a significant problem with our sewer plant. On average about 3 million gallons of water flows through there. This week we had about 9 million gallons going through. We had significant sewage back ups.

- Our Public Safety Departments -Fire, Police, and Public Works worked very hard to assist our residents through this past week.

#### Health Insurance Update:

- Connecticare has refused to bid on North Haven
- Oxford has also declined to bid due to claims history
- Waiting for Cigna and Aetna
- Analyzing what it would cost to self insure. Will have a meeting to discuss. May be an option, but there are risks.
- The claims in North Haven are rising rapidly.

#### Budget Hearing:

- Budget Hearing scheduled for Tuesday, April 6<sup>th</sup> at the High School Auditorium. Proposed budget around \$85 million dollars.
- Hopes everyone comes out for the hearing
- Referendum is scheduled for May 18<sup>th</sup>
- Looking forward to the public's feedback

#### Economic Development

- He, along with Chief DiCarlo, Chief Landisio met with Coviden. Very successful and encouraging
- They are a top Grand List payer
- Looking to enhance our relationship and hope to develop incremental business
- Economic Development Breakfast Meeting on May 20<sup>th</sup>. Have our businesses in to meet with representatives of the state and have question and answers
- Still working on developing TIF programs.
- Pratt & Whitney site issue is financing and whether we can generate \$265 million dollars worth of financing to develop the site
- Post Office has indicated that the old Stop and Shop office next to the Rustic Oak is the number one choice. They are not as interested in constructing their own site.
- Ulbrich Steel has multiple acres of land, Mr. Freda has met with them and had multiple conference calls and is trying to put something together with several developers
- Marlin has occupied a lot of time. He was at Marlin today with Len Fasano and Steve Fontana. Representatives from Work Force Alliance, the Department of Labor, and an outsource placement company. Trying to provide resources to assist employees with placement
- Meeting with CEO of FREEDOM GROUP, the company that owns Marlin on Friday.
- Issues include high energy costs, wage differentials, and high taxes in Connecticut
- Regarding CMB litigation (393 Unit Project) that has been pending, monthly legal fees are upwards of \$13,000 a month. Told we are not going to win. Going to meet with group to see if there can be a compromise. Mr. Freda assured he will not make any decisions, and keep everyone apprised along the way.

That concluded Mr. Freda's overview.

There was no correspondence.

Mr. Doheny called for the Annual Budget Town Meeting to be held on Monday, May 10, 2010 at 7:00 p.m. in the auditorium of the North Haven High School, 221 Elm Street, North Haven, CT 06473. Referendum to be held on Tuesday, May 18, 2010. Voted: Freda – yes, Doheny - yes, Fontana – yes

Mr. Fontana read the following resolution:

BE IT RESOLVED: That the Town of North Haven hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase and obtain financing for adequate housing of their choice on a non-discriminatory basis: and BE IT FURTHER RESOLVED, That the First Selectman of the Town of North Haven or his designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of North Haven.

Mr. Doheny moved to accept the resolution as presented.

Voted: Freda – yes, Doheny - yes, Fontana – yes

Mr. Doheny read the following resolution:

BE IT RESOLVED: Reconstruction of the Sackett Point Road Bridge over the Quinnipiac River, including the widening and realignment of the roadway approaches from Universal Drive to Republic Drive.

WHEREAS, the Town of North Haven has published a legal notice display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a public informational meeting on the proposed STP Urban Transportation project known as Sackett Point Road Bridge Reconstruction; and

WHEREAS, a public informational meeting was held on March 23, 2010 at the Town Hall, Town of North Haven, from 6:00 P.M. to 9:00 P.M. at which meeting residents had the opportunity to voice their concerns; and

WHEREAS, the South Central Region Council of Governments has selected the project as a regional priority and has agreed to utilize federal funds for right-of-way and construction activities; and

WHEREAS, the project is located on a municipally owned road (an Urban Collector), all phases (preliminary engineering, right of way and construction) will be preformed by the Town of North Haven or its consultant, utilizing 80% Federal funds, 10% state funds and 10% Town of North Haven funds for all phases.

WHEREAS, the Board of Selectmen has considered the concerns of the residents from the public informational meeting and finds that the proposed Sackett Point Road Bridge Reconstruction project is in the best interest of the Town of North

Haven, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public.

WHEREAS, the Town of North Haven, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

Mr. Freda then went on to explain the resolution to say that the project is about three years away. There was a public meeting on March 23<sup>rd</sup>, and ties in to our desire to continue to keep the public informed of major events. The project is a \$12.8 million dollar project. 80% is federally funded. 10% is state funded and 10% is funded by the Town. We are working hard with our Public Works Department to try to reduce the Town's 10% expense by securing grant money. It is an 80 -10 -10. Mr. Freda went on to describe the condition of the two decks comprising the bridge, stating there is no immediate need now, however, by not engaging in the project now, we may lose the federal and state funding. He also noted that the project included widening the road when turning onto Universal Drive.

Mr. Doheny moved to accept the resolution as presented.

Voted: Freda – yes, Doheny - yes, Fontana – yes

### **Resignations/Appointments**

Mr. Doheny explained that the Board had been notified after Ms. Morgan's appointment on the Board of Ethics that she was a Justice of the Peace and that prohibited her from serving on the Ethics Board. Mr. Doheny went on to say that there had been many conversations among himself, Ms. Morgan, the Selectmen and the attorneys. He noted that it was always clear on Ms. Morgan's resume that she was a Justice of the Peace; however, it did not occur to him at the time that she was an official. He went on to describe the position of the Board of Selectmen and the Town Attorney and their unanimous decision that Joan could not serve on the Board.

Mr. Fontana and Mr. Freda went on to discuss the issue and Mr. Freda noted that a great deal of time had been spent on the subject, and it was not a decision that was hastily made.

Mr. Doheny discussed the qualifications of Mr. Cleckner and made a motion to appoint Ryan Cleckner, 20 Weathers Road, to the Board of Ethics, (from Alternate to Full Seat), effective 01/01/10, term to expire 12/31/12.

Voted: Freda – yes, Doheny - yes, Fontana – yes

Mr. Doheny then talked about the qualifications of Ms. Kennealy and made a motion to appoint Kerri Kennealy, 36 Pool Road, as an Alternate on the Board of Ethics, effective 01/01/10, term to expire 12/31/11.

Voted: Freda – yes, Doheny - yes, Fontana – yes

Mr. Freda briefly spoke of the Cable Advisory Council of South Central Connecticut, and then discussed Ms. Yelenak's qualifications for this Council. Mr. Fontana and Mr. Doheny also commented on her background. Mr. Freda made a motion to approve the appointment of Merrill Yelenak, 73 Maple Avenue, to the Cable Advisory Council of

South Central Connecticut, Inc. (CACSCC), term to 06/30/2012.

Voted: Freda – yes, Doheny - yes, Fontana – yes

Mr. Freda made a motion to comply with the Council's recommendation to make an adjustment to the term of Mark Minotti, appointed to the Cable Advisory Council of South Central Connecticut, Inc. (CACSCC), on March 4, 2010 as per requested by the CACSCC, to expire 06/30/2012.

Voted: Freda – yes, Doheny - yes, Fontana – yes

### **Property Tax Refunds**

Mr. Doheny moved to accept the Property Tax Refunds as listed below.

Voted: Freda – yes, Doheny - yes, Fontana – yes

- Cab East LLC, 260 Interstate Drive, Atlanta, GA 30339, in the amount of \$29.39
- Cauley, Daniel H, & Patricia, 29 Pequot Avenue, North Haven, CT 06473, in the amount of \$48.56
- Clapp, Jennifer, 70 High Lane, North Haven, CT 06473, in the amount of \$48.78
- DCFS Trust, PO Box 685, Roanoke, TX 76262, in the amount of \$115.64
- GMAC, Louisville PPC, PO Box 9001951, Louisville, KY 40290-1951, in the amount of \$103.78
- Mineri, Louis E, 111 South Avenue, North Haven, CT 06473, in the amount of \$141.96, and in the amount of \$112.36
- Munson, Sara, 107 Carriage Drive, North Haven, CT 06473, in the amount of \$86.10, and in the amount of \$76.32, and in the amount of \$70.50, and in the amount of \$70.44
- Nissan Infiniti LT, Box 650214, Dallas, TX 75265 in the amount of \$53.09
- Rizzio, Frank Andrew, 19 Todd Drive, North Haven, CT 06473 in the amount of \$2,268.18
- Saft America Inc, 3 Powered Metals Drive, North Haven, CT 06473, in the amount of \$2,075.14
- Scarborough, Jr, Milton J, 108 Standish Avenue, North Haven, CT 06473, in the amount of \$69.69
- Toyota Motor Credit Corp, 260 Interstate Drive, Atlanta, GA 30339, in the amount of \$20.26, and in the amount of \$76.66, and in the amount of \$ 128.86
- VW Credit Leasing 1401 Franklin Blvd, Libertyville, IL 60048, in the amount of \$180.49, and in the amount of \$129.56

Mr. Freda announced that the next meeting of the Board of Selectmen – Thursday, May 6<sup>th</sup>, 2010 at 7:00 p.m. in the Library Community Room.

## **Public Comment**

Bernie Diana, 600 Washington Avenue, North Haven inquired about the Sackett Point Road Bridge with regard to the years back, the Town receiving money from developers of Universal Drive putting dollars into the reconstruction of the bridge. Mr. Freda stated he had no knowledge of that. Mr. Swinkoski, Director of Finance stated that he had no knowledge of money in any fund earmarked for that purpose.

Mr. Kivela, 70 Drazen Drive, North Haven, stated that he would like the Board to reconsider the appointment of Ms. Morgan. He feels that the Justice of the Peace is a state official and shouldn't preclude her from serving. Mr. Freda, Mr. Fontana and Mr. Kivela continued the discussion.

Mr. Sonazzaro, 135 Elm Street, North Haven expressed his concerns regarding the cemetery and the lease with the Health and Racquet Club. Mr. Freda noted that in April of 1974, the Cemetery Association deeded the land to the Town. Mr. Sonazzaro and Mr. Freda continued the discussion, and expressed his disappointment that Mr. Sonazzaro did not take him up on his previous offer to visit him in the Town Hall to review all the documents, and parcel of land that can be utilized.

Mr. Sherman Katz, Sherwood Drive asked to verify the date of the Town Referendum and Town Budget Hearing. He also asked if CMB is the project classified as Indian Ridge Half Mile Road development. Mr. Freda replied that it is.

Mr. Walt Heinig, 259 Spring Road, asked how many units the CMB had originally proposed and could we go back to that. Mr. Freda replied that he would like to reduce the number from the over 396 units back to the original 93, or something more palatable so that we can reduce the risk of losing the lawsuit and be left with the 396 units.

Mr. Feinberg, 34 Brockett Farm Road, asked if the legal retainer covered the cost of the attorney attending the Town meetings, and believes it was done as standard operating procedure during the previous administration. He thinks it would be beneficial to have the Town Attorney present to handle questions that arise, such as the issue with regard to Ms. Morgan. Mr. Feinberg then asked if the summer jobs through the Department of Recreation would again be filled using a lottery process, and would Mr. Freda continue that procedure. Mr. Freda stated that he has taken the advice of Gerardo Sorkin who thinks that practice may have been a mistake last year, and has come up with a formula and interview form and will rank individuals according to skill sets.

## **Adjournment**

Mr. Doheny motioned to adjourn at 9:20 pm

Voted: Freda – yes, Doheny - yes, Fontana – yes